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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 15TH DAY OF JANUARY 1998

BEFORE

THE HON'BLE MR. JUSTICE K.H.N.KURANGA

WRIT PETITION NUMBER 21460 OF 1996

Between:

1. Lakshmaiah,  
s/o. late Gundaiah,  
aged about 43 years  
Proprietor  
Sri Maruti Weavers Industries  
Ltd.,  
Site Extn.,  
Tumkur. .. Petitioner

(By Sri Anthony Cruze for Petr).

And:

1. The State of Karnataka  
by its Joint Registrar of Co-op.  
Societies,  
Bangalore Division,  
Pamphamahakavi Road,  
Bangalore-560 018.

2. Asst. Registrar of Co.op.  
Societies, Tumkur Sub-Division,  
Tumkur.

3. The Tumkur District Central  
Co.op.Bank Ltd., Tumkur  
by its Managing Director.

4. The Karnataka Appellate Tribunal  
(Co-operation), M.S. Building,  
Bangalore-560 001,  
by its Chairman. .. Respondents

(By Sri M.N.Ramanjaneya Gowda, HCGP for R1,R2 & R4.  
Sri G.Chandrashekar<sup>iah</sup> for R3).

This Writ Petition is filed under Articles 226 and 227 of the Constitution praying to quash Annexure-C dated 21-1-1995 and Annexure-E dated 4-6-1996, etc.,

This Writ Petition coming on for preliminary Hearing in 'B' group this day, the Court made the following:

O R D E R

This petition is listed for preliminary Hearing in 'B' group today. With the consent of the learned counsel for the petitioner, counsel for respondent No.3 and the learned High Court Government Pleader for respondents 1,2 and 4, the petition is taken up for final disposal.

2. Heard.

3. The petitioner has in this petition challenged the award dated 21-1-1995 - Annexure-C passed by the second respondent and the order 4-6-1996 - Annexure-E passed by the fourth respondent.

4. It is seen from the order passed by the Tribunal that the petitioner appeared before the second respondent and admitted the claim of

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~~the~~ the third respondent.

5. The learned counsel appearing for the petitioner before the fourth respondent - Tribunal, requested for grant of instalments to pay the loan on 28-11-1995. Since the petitioner had admitted the claim of the third respondent, the Appellate Tribunal has dismissed the appeal filed by him as per Annexure-E.

6. The learned counsel for the petitioner, Mr. Anthony Cruze submitted that 9 months time may be granted to the petitioner to pay the decretal amount.

7. The learned counsel for respondent No.3 opposed the request.

8. The learned counsel for the petitioner also submitted that the petitioner has been regularly paying some amount towards the award amount to the third respondent and he has paid as on today Rs.2,49,000/-.

9. Having regard to the facts and circumstances of the case and the fact that the petitioner has been paying some amount towards

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the award amount to the third respondent,  
I am of the opinion that it is appropriate to  
grant 9 months time to the petitioner to pay  
the award amount to the third respondent.

10. Accordingly, the petition is disposed of  
granting 9 months time to the petitioner to  
pay the award amount to the third respon-  
dent from the date of receipt of a copy of this  
order. If the petitioner fails to clear of the  
award amount within 9 months from the date  
of receipt of a copy of this order, Respondent  
No.3 is at liberty to recover the same, according  
to law.

Sd/-  
JUDGE

NT/-.